

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

INTERNATIONAL FRESH PRODUCE
ASSOCIATION, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF LABOR, *et al.*,

Defendants.

Case No. 1:24-cv-00309-HSO-BWR

UNOPPOSED MOTION TO EXTEND DEADLINE TO RESPOND TO COMPLAINT

Defendants, United States Department of Labor (DOL); Julie Su, Acting U.S. Secretary of Labor, in her official capacity; Jose Javier Rodriguez, Assistant Secretary for Employment and Training, U.S. Department of Labor, in his official capacity; and Jessica Looman, Administrator of the Wage & Hour Division, U.S. Department of Labor, in her official capacity, move to extend by 60 days the deadline to respond to the Amended Complaint, ECF No. 16. The deadline is currently December 16, 2024. Defendants seek an extension of that deadline to February 14, 2025. Plaintiffs¹ consent to the requested extension. Good cause supports this motion, as follows:

1. Plaintiffs initially filed their Complaint on October 8, 2024. ECF No. 1.
2. Plaintiffs filed an Amended Complaint on October 17, 2024. ECF No. 16.
3. The current deadline to respond to the Amended Complaint is December 16, 2024.

See Fed. R. Civ. P. 12(a)(2); Fed. R. Civ. P. 15(a)(3).

¹ The Amended Complaint, ECF No. 16, was filed by International Fresh Produce Association, American Farm Bureau Federation, Mississippi Farm Bureau Federation, Stone County Farm Bureau, Chamber of Commerce of the United States of America, AmericanHort, Florida Fruit & Vegetable Association, North American Blueberry Council, Texas International Produce Association, U.S. Apple Association, and the State of Mississippi (herein, “Plaintiffs”).

4. On November 25, 2024, the Court issued a preliminary injunction and § 705 stay. ECF No. 35. The Court's order stays all of the provisions challenged by Plaintiffs "until the conclusion of proceedings in this case, including any appellate proceedings before the Fifth Circuit or Supreme Court." *Id.* at 29.

5. Given the Court's order, the requested 60-day extension would not prejudice Plaintiffs.

6. The requested 60-day extension would allow the United States sufficient time to evaluate whether to appeal the Court's order. Fed. R. App. P. 4(B).

7. The requested 60-day extension would also allow the parties to confer about further proceedings in this matter and to jointly propose a schedule for such proceedings.

8. Undersigned counsel conferred with counsel for Plaintiffs regarding this motion. Plaintiffs consent to the requested relief.

9. Because the requested relief here is unopposed, Defendants request that the Court waive the requirement that the reasons supporting the motion be set forth in a separate brief. *See* L.U. Civ. R. 7(b)(4).

10. A proposed order accompanies this motion.

DATE: December 5, 2024

Respectfully submitted,

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Principal Deputy Assistant Attorney General

JULIE STRAUS HARRIS
Assistant Branch Director

/s/ Michael J. Gaffney
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Counsel for Defendants (United States Department of Labor; Julie Su, Acting U.S. Secretary of Labor, in her official capacity; Jose Javier Rodriguez, Assistant Secretary for Employment and Training, U.S. Department of Labor, in his official capacity; and Jessica Looman, Administrator of the Wage & Hour Division, U.S. Department of Labor, in her official capacity)

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2024, I electronically filed the foregoing paper with the Clerk of Court using this Court's CM/ECF system, which will notify all counsel of record of such filing.

/s/ Michael J. Gaffney

MICHAEL J. GAFFNEY

Trial Attorney

United States Department of Justice

Counsel for Defendants (United States Department of Labor; Julie Su, Acting U.S. Secretary of Labor, in her official capacity; Jose Javier Rodriguez, Assistant Secretary for Employment and Training, U.S. Department of Labor, in his official capacity; and Jessica Looman, Administrator of the Wage & Hour Division, U.S. Department of Labor, in her official capacity)